

EXHIBIT 19

Simmons, Justin

From: Scott Fitzsimmons <sfitzsimmons@watttieder.com>
Sent: Tuesday, November 15, 2022 5:27 PM
To: Simmons, Justin; Kathy Barnes; Brandon Regan; Edward Parrott; Cottle, Jeffrey W.; Cook, Stephen R.
Cc: 'Conley, Todd'; 'Golimowski, Jeff'; Treece, Joshua; Hollis, Jon; Stemland, Karen
Subject: RE: BAE v. Fluor - Case No. 7:20-CV-00587 - First Round of Depositions

****EXTERNAL EMAIL****

Justin –

We are in receipt of BAE's Notice of the Deposition of Tom D'Agostino. We understand BAE has also subpoenaed Mr. D'Agostino for deposition on December 20, as requested. As you know, Mr. D'Agostino has not agreed to appear in response to a Notice of Deposition and required a subpoena. The deposition will therefore proceed under BAE's subpoena, assuming it is properly issued, and BAE's Notice is unenforceable.

Also, your attempt to twist a personal deposition into a 30b6 deposition is ludicrous. Your assertion that Fluor "must produce" Mr. D'Agostino in response to a Notice because he is "a current officer, director, or managing agent" finds no support in the Federal or Local Rules. Your language is taken from Rule 30b6. But BAE did not issue a 30b6 subpoena. Moreover, Rule 45 anticipates subpoenas being issued on the officers of a party. See Rule 45(c)(1)(B)(1). Even if BAE had issued a 30b6 subpoena, you have no authority to direct which individual will represent Fluor in a corporate deposition.

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From: Simmons, Justin <jsimmons@woodsrogers.com>
Sent: Monday, November 14, 2022 2:59 PM
To: Scott Fitzsimmons <sfitzsimmons@watttieder.com>; Kathy Barnes <kbarnes@watttieder.com>; Brandon Regan <bregan@watttieder.com>; Edward Parrott <eparrott@watttieder.com>
Cc: 'Conley, Todd' <Todd.Conley@wbd-us.com>; 'Golimowski, Jeff' <Jeff.Golimowski@wbd-us.com>; Treece, Joshua <jtreece@woodsrogers.com>; Hollis, Jon <jhollis@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>
Subject: RE: BAE v. Fluor - Case No. 7:20-CV-00587 - First Round of Depositions

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Hi, Scott,

Attached is a notice of deposition for Thomas D'Agostino who will be deposed in Falls Church on December 20. Fluor must produce Mr. D'Agostino for deposition under the Federal Rules of Civil Procedure, since he is a current officer, director, or manager of the company. (His LinkedIn profile shows that he is still the President of Fluor's Government Group.) If Fluor contends that he is not a current

officer, director, or managing agent, then please provide support for that contention, including, but not limited to, the date of his separation from the company and the name of his current employer.

Best,

Justin

Justin Simmons
Principal

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From: Simmons, Justin

Sent: Tuesday, November 8, 2022 3:07 PM

To: Scott Fitzsimmons <sfitzsimmons@watttieder.com>; Kathy Barnes <kbarnes@watttieder.com>; Brandon Regan <bregan@watttieder.com>; Edward Parrott <eparrott@watttieder.com>

Cc: 'Conley, Todd' <Todd.Conley@wbd-us.com>; 'Golimowski, Jeff' <Jeff.Golimowski@wbd-us.com>; Treece, Joshua <jtreece@woodsrogers.com>; Hollis, Jon <jhollis@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>

Subject: RE: BAE v. Fluor - Case No. 7:20-CV-00587 - First Round of Depositions

Hi, Scott,

Fluor's months-long delay in letting BAE know that Fluor will not or cannot produce three key Fluor witnesses without subpoena is problematic, to say the least. Fluor has known since at least July 21 that BAE intended to depose Thomas D'Agostino, Kent Smith, and Robert Griffith, and yet Fluor waited until yesterday to inform BAE that Fluor would not or could not produce them and that they are represented by separate counsel. Please confirm by close of business tomorrow, Nov. 9, whether D'Agostino, Smith, and Griffith are current employees of Fluor Corp. or one of its subsidiaries, including, but not limited to, Fluor Federal Solutions, LLC; and, if they are, please explain why Fluor will not or cannot produce them for deposition. If they are no longer employees of Fluor Corp. or one of its subsidiaries, then please provide their dates of separation and last-known addresses.

Fluor's failure to timely inform BAE that Fluor will not or cannot produce D'Agostino, Smith, and Griffith has greatly prejudiced BAE and jeopardized the agreed-upon deposition schedule. BAE reserves the right to seek appropriate relief from the Court because of this failure.

BAE will depose Robert Legler on November 18, Tom Moran on December 13, and Jim Worcester on December 23.

Best,

Justin